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**Publish date:**  
**1/27/2012**

**WQC number: 848-0295-WQC-1**

## Public Notice

**Closing Date:**  
**2/25/2012**

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This letter serves as the formal notice of the receipt of an application for a Section 401 Water Quality Certification by the Kentucky Division of Mine Permits (KDMP). The purpose of this notice is to inform the public of active applications awaiting certification under Section 401 of the Clean Water Act (33 U.S.C. § 1341) and to solicit comments and information on any impacts to water quality as it related to the specific project. DMP will evaluate whether the project complies with Kentucky's water quality standards.

The comment period will run for 30 days, as is indicated in the upper portion of this notice. Any person who wishes to comment or receive information pertaining to the pending WQC application, must contact the WQC coordinator at 502 564-2320, or submit comments to: Water Quality Certification 2 Hudson Hollow, Frankfort KY 40601, within the 30 day comment period. All comments will be reviewed and water quality issues will be considered during the review process.

The public may review the detailed Compensatory Mitigation Plan at the Division of Mine Permits office at: #2 Hudson Hollow Frankfort, KY 40601

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Commonwealth of Kentucky  
Department for Natural Resources  
Division of Mine Permits

**Application for Water Quality Certification for Surface Coal Mining Activities**

The Clean Water Act Section 401 Water Quality Certification (WQC) program in Kentucky ensures that activities which may involve a discharge into waters of the Commonwealth which require federal permit or license are consistent with Kentucky's water quality standards in 401 KAR Chapter 5. The Energy and Environment Cabinet has authorized the Department for Natural Resources to issue water quality certifications related to surface coal mining operations. The project may not start until all necessary approvals are obtained. For questions concerning the WQC process, contact the WQC Coordinator at (502)-564-2320.

1. Applicant Name: Xinergy Corporation  
Mailing Address: 10405 Highway 221  
Stoney Fork, Kentucky 40988  
Contact Person: John Ledington  
Telephone No: ( 606 ) 337-1671  
E Mail Address: jledington@xinergycorp.com

2. Consultant Name & Address: EcoSource, Inc. (Debbie Collinsworth)  
104 Boston Square, Georgetown, KY 40324  
Telephone No. ( 502 ) 868-5200  
E Mail Address: ecosource@hotmail.com

3. Provide a brief description of the proposed activity and stream impact.  
This mine will include area mining on the Hazard #9 coal seam and contour and highwall mining on the Hazard #8 coal seam. As support facilities, the crown of an existing hollow fill will be used for excess material storage. This hollow fill will not be lengthened from the toe. Two existing ponds will be used for sediment control. The total proposed surface area is 280.72 acres, while the underground proposed area totals 124.0 acres. A total of 1.2 acres of on-bench wetlands will be impacted.

4. Project Location Information:  
County Harlan; USGS Quadrangle Name Helton & Wallins Creek, KY  
Nearest Community & Road Intersection: Stoney Fork, KY: KY 221 & 1780  
Longitude 83.49472° Latitude 36.87667° (Approximate center of the project area)

5. List the names of all streams affected by the proposed project:     
Unnamed tributary to Big Run  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. For each affected watershed provide the acreage above the toe of the lowest permanent structure.

N/A - An existing hollow fill and existing pond are being used. All other activities including material storage and sediment ponds are being retained on-bench.

7. For each affected stream provide the linear feet of impact, whether the impact is temporary or permanent and indicate if the stream reach is classified as ephemeral, intermittent, or perennial.

N/A - No streams will be affected by the proposed activity.

8. Provide the acreage of wetlands that would be impacted: 1.2

9. Beginning at the nearest intersection of two public roads, provide directions to the project site:

From Stoney Fork in Bell County, travel north (east) on KY221 for a distance of 3.35 miles. Turn left (north) onto a county road that parallels Big Run. Proceed for a distance of 2.2 miles to the approximate location of the existing sediment pond downstream of the existing hollow fill. The project area lies along ridgeline adjacent to the hollow fill.

10. Has application been submitted to the U.S. Army Corps of Engineers for this project? Yes ☒ No ☐ If yes, indicate type of application:

NW 12 ☐ NW 14 ☐ NW 21 ☐ NW 27 ☐ NW 49 ☒  
NW 50 ☐ Individual ☐ Other ☐

11. Provide the following permit numbers associated with this mining activity:  
SMCRA Permit No. 848-0295, KPDES No. KYG046476

12. The following attachments must be provided:


- a. A watershed map showing all ponds and hollowfills to scale with all intermittent, and perennial stream reaches clearly identified.
- b. A 7.5 minute topographic map delineating the proposed project area.
- c. A copy of the complete Compensatory Mitigation Plan

List all other plans and profiles included with this application:

Provided with this application is the Section 404 application package. Which contains all of the essential mapping information.

I hereby request approval for construction across or along a stream as described in this application and supporting attachments. All of the information provided with this application is true and accurate to the best of my belief and knowledge.

Applicant's Signature:



, Date: 1-27-12

If signed by applicant's agent, attach power of attorney

SUBMIT APPLICATION AND ATTACHMENTS TO:

WQC COORDINATOR  
DIVISION OF MINE PERMITS  
#2 HUDSON HOLLOW  
FRANKFORT, KENTUCKY 40601

Form DNR-WQC 7/08